SINGLE BENCH

CF-1001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

WRIT PETITION (S) NO. 4276 /2006

M. Xalxo,
S/o- Late Dhanmasih Xalxo,
Aged about 54 years,
Presently working as Sub-Divisional Engineer (Rural),
Office of General Manager Telecom, Bilaspur,
Distt. Bilaspur,
Chhattisgarh. **PETITIONER**

VERSUS

1. Bharat Sanchar Nigam Limited (BSNL),
Through- Chairman-cum-Managing Director,
Corporate Office – Personnel-II Section,
102-b, Statesman House, 148, Barakhamba Road,
New Delhi-1.

2. Chief General Manger,
Bharat Sanchar Nigam Ltd. (BSNL),
Chhattisgarh Telecom Circle,
Khamardih, Raipur,
Chhattisgarh.

3. General Manger Telecom District, Bilaspur,
District – Bilaspur,
Chhattisgarh. **RESPONDENTS**

P.R. No. 4338/06
Presented by Shri P Shrivastava
dated 8/8/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP.NO.4276 **सन्** 2006

(52)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-8-2006

Mr. Pankaj Shrivastava, counsel for the petitioner.

Mr. R.M. Solapurkar, counsel for the respondents, on advance copy.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged his transfer order dated 14-3-2006 & 30-3-2006 (Annexures P-1 & P-2), whereby he has been transferred from Chhattisgarh Circle to Jammu & Kashmir Circle.

Main challenge in this writ petition is that the Chhattisgarh Circle has been declared as hard tenure circle on 12-2-2004 and as per the policy of the respondent Department, one employee cannot be transferred from one hard tenure circle to another hard tenure circle if the employee has served two years or more in the hard tenure circle. The petitioner is serving in the Chhattisgarh Circle since last 15 years. Even the petitioner has submitted an application for voluntary retirement to respondent No.1 and that application is not being considered by the respondents.

In the circumstances, learned counsel for the petitioner submits that the respondents may be directed to decide the petitioner's representation Annexure P-7 and if his representation regarding cancellation of his transfer is not considered then the respondents may be directed to consider his application for voluntary retirement, to which learned counsel appearing for the respondents has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.1 is

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

directed to decide the representation of the petitioner regarding transfer in accordance with the policy and in case his representation is not decide favorably, then the respondents shall consider the application of the petitioner for voluntary retirement, in accordance with law, within a period of 30 days from the date of receipt of a copy of this order.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.3317/2006 and I.A.No.7838/2006 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

P.T.O.

23-8-06